

Notice of Allowability

Application No.

10/010,068

Examiner

Robert M. Pond

Applicant(s)

KARAS ET AL.

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE, Interview (20070214), and Examiner's Amendment (20070424).
2. ☒ The allowed claim(s) is/are 1,3-10,12-16,18-24,26-28 and 30-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

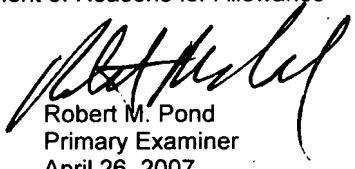
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20070214, 20070425.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Robert M. Pond
Primary Examiner
April 26, 2007

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Clarification Pertaining to Interview

The Examiner reviewed the Applicant's specification prior to the interview and suggested subject matter in the instant specification that would distinguish over the cited prior art. The Examiner explained that claims amended to incorporate suggested subject matter would require further search and/or consideration should an RCE be filed.

Authorization

Authorization for this examiner's amendment was given in a telephone interview with Mr. Michael Drapkin, #55,127 on 25 April 2007.

Allowed Claims

Claims 1, 3-10, 12-16, 18-24, 26-28, and 30-33 entered 28 February 2007 are allowed. The Applicant canceled claims 2, 11, 25, and 29. Claim 17 is canceled per this Examiner's Amendment.

In the Claims

The claims entered 28 February 2007 have been amended as follows:

- Claim 3, claim line 4, after “embedded” delete “electronic gift” and insert therefore: - -code- -
- Claim 8, claim line 3, after “fund” insert therefore: - -issuer- -
- Claim 8, claim line 3, after “program” insert therefore: - -issuer- -
- Claim 9, claim line 3, delete “the amount” and insert therefore: - -an amount- -
- Claim 16, claim line 3, after “fund” insert therefore: - -issuer- -
- Claim 16, claim line 4, after “program” insert therefore: - -issuer- -
- Delete claim 17 in its entirety.
- Claim 18, claim line 11, delete “payment function” and insert therefore: - -payment enabler- -
- Claim 18, claim line 13, delete “redemption function” and insert therefore: - -payment enabler- -
- Claim 30, claim line 3, before “interface” insert therefore: - -first- -

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: The field of invention pertains to electronic greeting cards containing an electronic gift, and specifically pertains to payment handling methods and mechanisms requiring a two-step process that separates the selection of the electronic greeting card and electronic gift from the payment for the gift.

Pertaining to method claims 1 and 10: The prior of record fails to disclose alone or teach and suggest in combination, the combination of a sender selecting an electronic greeting card and selecting an electronic gift type to be electronically linked with the electronic greeting card using a first interface that is physically distinct from a second interface used to receive payment from the sender at an agent location from the money handler chosen by the sender.

Pertaining to system claim 18: allowable for the same rationale noted above for claims 1 and 10.

Closest US Patent Prior Art- Messner (US 6,370,514)

Messner discloses electronic mail distribution of electronic gift certificates or coupons to recipients via virtual cards containing messages. In an embodiment, Messner discloses making payment in a process flow that incorporates the selection of the greeting and electronic gift certificate. In another embodiment, Messner discloses a user conducting the transaction as noted above in a physical brick and mortar store. Again the process incorporates payment and

selection in a continuous process flow. Messner, however, fails to disclose the claimed invention that provides a two-step process of receiving a selection of the electronic greeting card entered by the sender via first interface comprising an electronic user interface and receiving selection of a type of electronic gift from a plurality of gift types, and receiving payment for the electronic gift from a money handler chosen by the sender, wherein the sender provides the payment at an agent location and the payment is provided through a second interface physically distinct from the first user interface.

Forward and backward citations of Messner fail to produce prior art that teach and suggest the claimed invention. The combination of Messner in view of Van Dusen and Walker, further in view of Kotor fail to teach and suggest the claimed invention.

Closest Non-patent Literature- BNN (PTO-892, Item: U)

BNN discloses companies such as Western Union specializing in offering services to enable individuals to send money to someone else and identifies Bank One as offering competing services through the announcement of eMoneyMail. eMoneyMail is a web site-based funds transfer service that enables anyone with a US-issued VISA debit or credit card or a US checking account to send money to another individual in the country using electronic mail. Although BNN discloses Bank One pursuing partnerships with an electronic greeting card firm that would allow consumers to e-mail electronic cards stuffed with electronic

money, this is a future projection of a possibility of combining a gift with a greeting card and further lacks enablement pertaining to the combination of electronic cash and greeting card. BNN fails to teach or suggest a two-step process whereby the service receives an electronic greeting card selection by the sender and gift type via a first interface, and then receiving payment for the electronic gift from a money handler chosen by the sender wherein the sender provides the payment at an agent location and the payment is provided through a second interface physically distinct from the first user interface.

A focused search in EAST based on Bank One as the assignee failed to produce patent art or patent publications that disclose the claimed invention. A focused search based on eMoneyMail in Dialog failed to produce prior art that teaches and suggests the claimed invention. The Internet Archive Wayback Machine failed to produce evidence that links eMoneyMail to an ecard site or vice versa (e.g. Bluemountain.com).

BBN alone or in combination with Messner fails to teach and suggest the claimed invention.

Closest Foreign Patent- Francis (IDS considered 05 July 2006, WO 99/28872)

Francis discloses transfer requests are input at a related remote terminal, and for new customers a re-useable personal identification code is generated. For each transaction a unique transaction code is generated for the customer. The

money handling administrator receives the personal identification code and transferors code containing partial unique transaction code details. The customer informs the transferees, which are presented to the administrator on collection. Francis discloses a money transfer system; a processing system for use in a money transfer system; a system for communicating information with a transferor for a money transfer operation; a system for receiving money transfer requests; a method of testing information provided by a transferee for collection of funds. Francis, however, fails to disclose the claimed invention that provides a two-step process of receiving a selection of the electronic greeting card entered by the sender via first interface comprising an electronic user interface and receiving selection of a type of electronic gift from a plurality of gift types, and receiving payment for the electronic gift from a money handler chosen by the sender, wherein the sender provides the payment at an agent location and the payment is provided through a second interface physically distinct from the first user interface.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

Art Unit: 3625

Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Robert M. Pond', written in a cursive style.

Robert M. Pond
Primary Examiner
April 26, 2007